

REMARKS

Applicant respectfully requests reconsideration of this application, as amended herein. Claims 1-6 were pending in the application. In this amendment, Claims 1 and 4-6 have been amended and new claims 10-14 have been added. Therefore, Claims 1-6 and 10-14 are pending in the application.

Double Patenting

The Examiner provisionally rejected Claims 1-6 under the judicially created doctrine of obviousness-type double patenting with respect to pending applications 10/393,346; 10/933,555; and 10/675,135. Applicant acknowledges the potential double patenting concern and will address the issue at an appropriate time.

The Rejections under 35 U.S.C. § 103

The Examiner has rejected Claims 1 and 3-5 under 35 U.S.C. 103(a) as being unpatentable over Bartels and Rieger (DE 35 12 644 A1) in view of Hübner (US 5,018,518). Applicant respectfully traverses the rejections.

Claim 1 has been amended to add the limitation of a control means associated with the valve assembly and adapted to control the means to move ambient air into and through the filter system. The Examiner acknowledges that Bartels and Rieger does not disclose the means to move air into and through the filter system. The Examiner cites Hübner for teaching a blower adapted to move air as required by the present invention and asserts that it would have been obvious to modify the breathing apparatus of Bartels and Rieger to include a blower. Hübner, however, does not teach a control means associated with the valve assembly that enables a user to determine whether to breathe cleaned air or pressurized air. Since Hübner does not address a dual source of breathable air, it would not have been obvious to modify the breathing apparatus

apparatus of Bartels and Rieger or the apparatus of Hübner to include control means associated with the valve assembly that enables a user to determine whether to breathe cleaned air or pressurized air. Moreover, there is no suggestion or motivation to do so. As neither Bartels and Rieger nor Hübner, separately or in combination, teach or suggest such an apparatus as claimed, they are patentably distinguished.

Furthermore, Claims 3-5 depend from Claim 1, which, as described above, is patentably distinguished. Thus, Claims 3-5 are patentably distinguished.

The Examiner has rejected Claim 2 under 35 U.S.C. 103(a) as being unpatentable over Bartels and Rieger (DE 35 12 644 A1) in view of Hübner (US 5,018,518) and further in view of O'Connor (US 4,590,951). Applicant respectfully traverses the rejection.

Claim 2 depends from Claim 1, which, as described above, is patentably distinguished. Therefore, Claim 2 is likewise patentably distinguished.

The Examiner has rejected Claim 6 under 35 U.S.C. 103(a) as being unpatentable over Bartels and Rieger (DE 35 12 644 A1) in view of Hübner (US 5,018,518) and further in view of Hilton et al. (EP 0 241 188 A1). Applicant respectfully traverses the rejection.

Claim 6 depends from Claim 1, which, as described above, is patentably distinguished. Therefore, Claim 6 is likewise patentably distinguished.

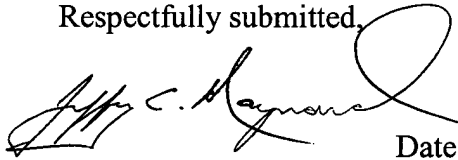
The New Claims

Applicant has added new dependent Claims 10-14 describing additional features of Applicant's invention. Such new claims depend from Claim 1, which, as described above, is patentably distinguished; accordingly, it is believed such claims are also allowable.

CONCLUSION

Applicant has made a diligent effort to address the objections and rejections identified by the Examiner, and respectfully submits that the outstanding objections and rejections in the Office Action have been overcome. In view of the above amendments and remarks, all pending claims are believed to be patentable, and thus, the case is in condition for allowance. Accordingly, a Notice of Allowability is respectfully requested at the Examiner's earliest convenience. In the event that there is any question concerning this response, or the application in general, Applicant respectfully requests that the Examiner contact Applicant's attorney at the telephone number listed below so that additional changes may be discussed.

Respectfully submitted,

 12/14/25
Date

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